



Legislation Details (With Text)

File #: 18-147 **Version:** 1 **Name:** P18-13F the issuing of a Special Use Permit to allow multi-family residential in an SF-6 Zoning District

Type: Public Hearing (Public & Legislative) **Status:** Agenda Ready

File created: 4/2/2018 **In control:** City Council Regular Meeting

On agenda: 5/29/2018 **Final action:** 10/14/2025

Title: P18-13F the issuing of a Special Use Permit to allow multi-family residential in an SF-6 Zoning District, located at 846 Ridge Road (tax map number 0429-57-7122) near the intersection of Ridge and Yates Circle, and being the property of NATHANIEL MATHIS & WIFE MARY.

Sponsors:

Indexes:

Code sections:

Attachments: 1. P18-13F zoning map, 2. P18-13F Current Landuse Map, 3. P18-13F Landuse Plan Map, 4. Special Use Permit Application, 5. Site Plan, 6. Site Photo 1, 7. Site Photo 2, 8. Site Photo 3, 9. Site Photo 4, 10. Site Photo 5

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

TO: Mayor and Members of City Council

THRU: Jay Reinstein, Assistant City Manager

FROM: Craig M. Harmon, AICP, CZO - Senior Planner

DATE: May 29, 2018

RE:
P18-13F the issuing of a Special Use Permit to allow multi-family residential in an SF-6 Zoning District, located at 846 Ridge Road (tax map number 0429-57-7122) near the intersection of Ridge and Yates Circle, and being the property of NATHANIEL MATHIS & WIFE MARY.

COUNCIL DISTRICT(S):
 3

Relationship To Strategic Plan:
 Growth and Development

Executive Summary:
 The developers of this property wish to divide the property in question into three parcels and construct one duplex on each lot (6 units altogether). The zoning district allows this but only after issuance of a Special Use Permit (SUP). The planning division and Zoning Commission support the action to approve the SUP.

Background:

Owner: NATHANIEL MATHIS & WIFE MARY
Applicant: Kevin Lindsay, PE - Crawford Design
Requested Action: Duplex in SF-6
Property Address: 846 Ridge Road
Council District: 3
Status of Property: Vacant
Size: 5.06 acres +/-
Adjoining Land Use & Zoning:
North - SF-6 - Single Family and Multi-Family
South - SF-6 - Single Family and Multi-Family
West - SF-6 - Single Family and Multi-Family
East - SF-6 - Single Family and Multi-Family
Letters Mailed: 43

Land Use Plan: Medium Density Residential

Additional Reviews:

Technical Review Committee (TRC) - No preliminary review was conducted on this site.

Issues/Analysis:

The owner of this property wishes to subdivide this property into three parcels and place a duplex on each of the new lots. The following four requirements will have to be met.

Requirements for:

30-4.C.A.2 - Dwellings, Two- to Four-Family

Two-to four-family dwellings in an SF-15, SF-10, or SF-6 district shall comply with the following standards:

- a. Except for circular driveways, no two- to four-family dwelling lot shall be served by more than one driveway on the same block face.
- b. Three and four-family dwellings on lots shall be served by a single entrance on any individual building façade.
- c. Ground-based, roof-based, and wall-mounted electrical equipment, HVAC equipment, and other utility connection devices shall be ganged and screened, or located outside the view from any adjacent public street.
- d. Two- to four-family dwellings shall comply with Section 30-5.G, Single-family, and Two-family Design Standards or 30-5.H Multifamily Design Standards, as appropriate.

Eight findings of fact are to be met when approving a SUP. The review is shown in the bracket after the standard.

- (1) The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards; [Yes, see the attached site plan.]
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning districts(s) of surrounding lands; [Yes, The uses surrounding this property are very similar to what is proposed. Prior to the UDO this and the surrounding properties were zoned R6, which allowed multi-family development by right.]
- (3) The special use avoids significant adverse impact on surrounding lands regarding service

delivery, parking, loading, odors, noise, glare, and vibration; [Yes, the proposed site plan demonstrates how this property meets the use specific requirements of the UDO.]

(4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands; [Yes, the proposed site plan demonstrates how this property meets the use specific requirements of the UDO.]

(5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources; [Yes, the proposed site plan demonstrates how this property meets the use specific requirements of the UDO.]

(6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site; [Yes, the proposed site plan demonstrates how this property meets the use specific requirements of the UDO.]

(7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and [Yes, no documentation has been submitted showing that property values would be negatively affected.]

(8) The Special use complies with all other relevant City, State, and Federal laws and regulations. [Yes, the applicant will be required to meet all applicable standards.]

There is one condition recommended by the Zoning Commission and planning professionals.

1. Compliance with the attached site plan, with final review and approval by the TRC.

On April 10th the Zoning Commission held a public hearing regarding this case. There were two speakers in favor and none in opposition. The summary of the speakers and Zoning Commission follows.

Speakers in favor:

Nathaniel Mathis, 841 Shaw Mill Road, Fayetteville, NC

- We propose to build the duplexes on my existing property.
- Sidewalks and landscaping will be part of the project.
- Firmly believes the project will improve this area.

Kevin Lindsey, Pinehurst, NC

- One acre of land will be divided up into three lots.
- The duplexes on the property will look similar to single-family homes.
- The area does already have a quadplex which is a mixture of single family and multi-family units.
- Consistent with the neighborhood and character.
- Mr. Mathis will live in them and manage them himself.
- Sidewalk improvements will be added but there are none to connect to.

Questions by the Zoning Commission: 1. Why duplexes and not single-family homes?

(Answered by Mr. Lindsey) It would be difficult to put six single family homes side by side and they would have to be extremely narrow homes. By using the multi-family units, the properties will look better and remain under 24% density for the entire property. The slope of the property would cause problems for roads of single-family homes were built. It is also easier to finance the multi-family homes. There is a better return on investment for the lot and the homes. Mr. Mathis has previously looked into higher density but was unable to do so financially.

Having heard and weighed all of the evidence presented, the Commission voted 3-1 to recommend approval.

Therefore, the Zoning Commission and City planners recommend approval of the proposed SUP based on:

1. This proposal is in keeping with the surrounding properties.
2. This proposal meets all of the applicable standards of the City.
3. The condition of compliance with the site plan and final review and approval by the TRC.
4. The proposal meets all of the use-specific standards listed below:
 - a. Except for circular driveways, no two- to four-family dwelling lot shall be served by more than one driveway on the same block face.
 - b. Three and four-family dwellings on lots shall be served by a single entrance on any individual building façade.
 - c. Ground-based, roof-based, and wall-mounted electrical equipment, HVAC equipment, and other utility connection devices shall be ganged and screened, or located outside the view from any adjacent public street.
 - d. Two- to four-family dwellings shall comply with Section 30-5.G, Single-family, and Two-family Design Standards or 30-5.H Multifamily Design Standards, as appropriate.
5. The proposal meets all eight findings of fact.
6. The City's land use plan calls for medium density residential.

Budget Impact:

This action would result in an increase in City services that will be offset by the revenue the City will collect in property taxes.

Options:

- 1) Approval of the SUP with the conditions listed above (Recommended).
- 2) Approval of the SUP with additional conditions.
- 3) Approval of the SUP without conditions.
- 4) Denial of the SUP

Recommended Action:

OPTION 1

I move to APPROVE the Special Use Permit (SUP) to allow multi-family residential in an SF-6 Zoning District, as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. And that the application is consistent with applicable plans because: (1) the development is located in a Single Family 6 district and (2) that the City's land use plan calls for medium density residential on this property and (3) that this use complies with the findings listed below and (4) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area.

[Applicable to Motion to Approve] If approved, this Special Use Permit shall become effective ten days after its approval by the City Council, which is June 8, 2018. The SUP shall expire one year from its effective date if a building permit is not issued within that time.

*For a motion to approve, all eight findings below must be met.

- (1) The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards; [insert supporting facts]
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands; [insert supporting facts]
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration; [insert supporting facts]
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands; [insert supporting facts].
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources; [insert supporting facts]
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site; [insert supporting facts].
- (7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; [insert supporting facts]
- (8) The special use complies with all other relevant City, State, and Federal laws and regulations. [insert supporting facts]

OPTION 2

I move to DISAPPROVE the Special Use Permit (SUP) to allow multi-family residential in an SF-6 Zoning District, as presented by staff, based on the standards of the City's development code and the evidence presented during this public hearing. And that the application does not meet the finding(s) of fact listed below. Specifically finding(s) # _____.]

[Applicable to Motion to Deny] If denied this action shall become effective ten days after its denial by the City Council, which is June 8, 2018.

* For a motion to deny only one of the findings shown below needs to not apply.

- (1) The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards; [insert supporting facts]
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands; [insert supporting facts]
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration; [insert supporting facts]
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands; [insert supporting facts].
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources; [insert supporting facts]
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site; [insert supporting facts].
- (7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; [insert supporting facts]
- (8) The special use complies with all other relevant City, State, and Federal laws and regulations. [insert supporting facts]

Attachments:

Zoning Map

Current Land Use Map

Land Use Plan Map
Application
Site Plan
Site Photos